



U.S. Department of Justice

United States Attorney

District of Vermont

*United States Courthouse and Federal Building
Post Office Box 570
Burlington, Vermont, 05401-0570*

*(802) 951-6725
Fax: (802) 951-6540*

May 31, 2017

Re: United States v. Brian Folks et al.

Dear Counsel:

This letter confirms an agreement between the United States and the defendant and his/her counsel regarding discovery in this case. The United States is providing defense counsel with electronic and/or paper images of various documents and files. In consideration of the United States' production of this information, at its expense, and in recognition of the rights afforded the victims of crimes in the Crime Victims' Rights Act of 2004, 18 U.S.C. § 3771(a)(1) *et seq.*, the defendant and his/her counsel agree to the following:

1. For purposes of this Agreement, the term "discovery" means the electronic files, printouts of those files, or paper documents produced by the government and identified on the accompanying index, or duplicates of any of the foregoing, including those documents that contain statements made by witnesses in grand jury transcripts, reports of interviews, affidavits, sworn statements, or other documents.
2. Discovery and victim and witness names shall not be disseminated to anyone outside defense counsel's firm and its investigators and contractors working on this matter, including but not limited to the press. Any such investigators and contractors are bound by the same restrictions. Defense counsel shall not share witness or victim statements with co-defendants or other defense counsel except defense counsel to whom the government has produced the same materials. Defense counsel may share summaries and excerpts with anyone, provided that victim and witness names are redacted; wholesale cutting and pasting of the contents of witness statements is prohibited. Defense counsel must refrain from using any victim's full or actual name in any public-facing document or filing, as well as from making reference to a victim's full or actual name in any public hearing, and counsel should adhere to the naming conventions in the governing indictment or, upon further agreement, in any other manner acceptable to the government.
3. The defendant may review the discovery in the presence of defense counsel, other members of counsel's firm, or counsel's investigators/contractors working on this matter,

**Government
Exhibit A**

but may not otherwise access these materials and may not retain, even temporarily, the materials.

4. All discovery produced by the government shall be returned to the government or destroyed within 30 days of the conclusion of the trial court or appellate proceedings.
5. For purposes of these restrictions, “investigators” and “contractors” shall not include spouses, significant others, friends, or associates of defendants.
6. A copy of this letter shall be provided by defense counsel to the defendant.

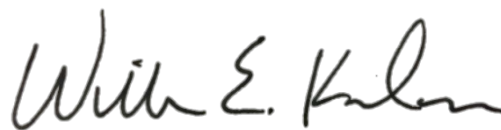
If defense counsel or the defendant decline to accept any term of the this agreement, the United States will make discovery available for inspection at its office in compliance with the Federal Rules of Criminal Procedure and *Brady/Giglio*.

Sincerely,

EUGENIA A.P. COWLES
Acting United States Attorney

By: /s/ Abigail E. Averbach
ABIGAIL E. AVERBACH
Assistant U.S. Attorney

Date: 1 June 2017

A handwritten signature in black ink, appearing to read "Will E. Kohn". The signature is written in a cursive, flowing style.

[DEFENSE ATTORNEY], Esq.

Enclosures